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Attorneys for Defendant Celgene Corporation

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

MYLAN PHARMACEUTICALS INC.,

Plaintiff,

v.

CELGENE CORPORATION,

Defendant.

Civil Action No. 2:14 cv-02094-ES-MAH

Hon. Esther Salas, U.S.D.J.

Hon. Michael A. Hammer, U.S.M.J.

**DEFENDANT CELGENE CORPORATION'S**

**NOTICE OF MOTION TO DISMISS THE  
COMPLAINT PURSUANT TO FEDERAL  
RULE OF CIVIL PROCEDURE 12(b)(6)**

RETURN DATE: JULY 7, 2014

ORAL ARGUMENT REQUESTED

**DOCUMENT FILED  
ELECTRONICALLY**

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*Attorneys for Plaintiff Mylan Pharmaceuticals Inc.*

COUNSEL:

**PLEASE TAKE NOTICE** that on July 7, 2014, at 10:00 A.M. or as soon thereafter as counsel may be heard, the undersigned, attorneys for defendant, Celgene Corporation, shall apply to the Honorable Esther Salas, U.S.D.J. of the United States District Court for the District of New Jersey, Martin Luther King, Jr. Federal Building and U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101 for entry of an Order Dismissing the Complaint against Celgene Corporation for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6).

**PLEASE TAKE FURTHER NOTICE** that in support of the motion, Defendant shall rely upon the Certifications of Kevin D. McDonald and Daniel R. Guadalupe and the Brief in Support of Defendant Celgene Corporation's Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6), submitted herewith.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to L.Civ.R. 78.1(b), **oral argument is requested**; and

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is submitted with this motion.

**NORRIS, McLAUGHLIN & MARCUS**  
Attorneys for Defendant Celgene Corporation

By: s/ Daniel R. Guadalupe  
A Member of the Firm

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Dated: May 25, 2014